

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 2, 2014

5:30 P.M.

AGENDA

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent:

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on June 19, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending June 25, 2014 in the amount of \$ _____ and July 2, 2014 in the amount of \$ _____ are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of June 6– July 1, 2014
- Report from the Building Inspector's office June 30, 2014
- Finance Department Statement of Revenue and Expenditures for the months of May 2014

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending June 27, 2014 in the amount of \$_____ and July 3, 2014 in the amount of \$_____ are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

6. PERSONS ADDRESSING COUNCIL:

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves from the City Chamberlain to increase the 2014 budget for the cost of unbudgeted River Walk expenditures of \$1,621 from a River Walk contribution to be received as per the attached budget adjustment memo.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. RESOLVED: In accordance with the request therefore the Common Council approves Erin McCartan to hold the 5th Annual Plattsburgh Polar Plunge at the Plattsburgh City Beach on Saturday November 8, 2014.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL

WHEREAS, Falcon First Cable of New York, Inc. ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Plattsburgh, NY (the "Franchise Authority") and to operate and maintain a cable television system therein; and

WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and

WHEREAS, on April 25, 2014, Charter and Comcast Corporation ("Comcast") entered into the Comcast/Charter Transactions Agreement (the "Agreement"), pursuant to which the Franchisee, through a restructuring under Charter's ownership, will become PCI Transfers VI, LLC ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Comcast has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.
5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
6. This Resolution shall be deemed effective upon adoption.
7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council approves Arielle Trombley to hold the STOP Domestic Violence Paws for Peace Walk on US Oval from 11am-1pm on October 12, 2014.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES COMMENCED BY PLATTSBURGH PLAZA, LLC and HMC NOMINEE COMPANY, LLC

WHEREAS, Plattsburgh Plaza, LLC, previously commenced Article 7 Real Property Assessment Review cases for 2012 and 2013 against the City of Plattsburgh concerning certain parcels located at 316 Cornelia Street and 284 Cornelia Street, identified as Tax Map Numbers 207.17-1-15.2-1 and 207.17-1-15.3, respectively, with a combined total assessment of \$8,671,600, and

WHEREAS, HMC Nominee Company, LLC, previously commenced Article 7 Real Property Assessment Review cases for 2012 and 2013 against the City of Plattsburgh concerning a certain parcel located at 316 Cornelia Street, identified as Tax Map Number 207.17-1-15.2, with a an assessment of \$936,300, and

WHEREAS, the City's Assessor has recommended a settlement proposal to the City Council,

NOW, THEREFORE, BE IT

RESOLVED, that the Plattsburgh City Council hereby approves the settlement of the pending Article 7 cases against the City of Plattsburgh brought by Plattsburgh Plaza, LLC, for 2012 and 2013 concerning the property identified as Tax Map Numbers 207.17-1-15.2-1 and 207.17-1-15.3, and the pending Article 7 cases brought by HMC Nominee Company, LLC, for 2012 and 2013 concerning the property identified as Tax Map Number 207.17-1-15.2, in accordance with the following:

1) There shall be no changes to the assessments on any of the three parcels for the 2012 or 2013 assessment rolls.

- 2) The property owners shall discontinue all pending cases, with no assessment reductions or refunds.
- 3) For 2014, 2015 and 2016, the total of the combined assessed value of the three parcels shall be \$6,000,000 (Six Million Dollars), which shall be apportioned and assigned among the three parcels in the judgment of the City Assessor,

And BE IT FURTHER,

RESOLVED, that the City Council authorizes and directs the Mayor, City Assessor, Corporation Counsel, and/or Special Counsel to execute settlement documents on behalf of the City and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

F. WHEREAS, the City of Plattsburgh believes that a strong and vibrant downtown is essential to the economic health of Clinton County; and,

WHEREAS, the City believes that the optimum configuration for achieving a strong downtown is a mix of traditional business, unique business, events, arts and leisure activities intermixed with neighborhood residences; and,

WHEREAS, First Weekends in Plattsburgh is committed to fostering Music, Arts and Entertainment in Downtown; and,

WHEREAS, the City is committed to providing the maximum benefits from traffic flow for residents and tourists alike; and,

WHEREAS, tourists driving by events are attracted to join them; and,

WHEREAS, the current closure of City Hall Place prevents tourists and residents from driving by the First Weekend events; and,

WHEREAS, the City observes that the closure of City Hall Place for First Weekend events has an unanticipated negative impact on businesses operating in downtown and on traffic flow into and around the City,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Plattsburgh does hereby request that the Board of Directors of First Weekends In Plattsburgh modify the layout of its events for July through November by altering their shape to utilize Lower Court Street, the parking lot on Lower Court Street, Trinity Park, Trinity Place and the City Hall grounds, in order to allow traffic to flow normally on City Hall Place.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

G. RESOLVED: In accordance with the request therefore the Common Council approves a request from John W. Sheehan & Sons to close the portion of Rugar St. between Sanborn Ave. and Broad St. from July 28th – August 7th to allow the installation of two new raised crosswalks on Rugar Street.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to attend the MEUA Safety Meeting in Fairport, NY from July 21 – 22, 2014 at an estimated cost of \$324.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Construction loan for Phase II of Catherine Gardens

2. Request to establish an Oil Train Task Force

10. NEW BUSINESS:

11. CLOSING PUBLIC COMMENTS:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____
Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

MEETING ADJOURNED: _____